

1 David H. Harper (*Pro Hac Vice*)
2 Jason P. Bloom (*Pro Hac Vice*)
3 HAYNES AND BOONE, LLP
4 2801 N. Harwood Street,
Suite, 2300
Dallas, Texas 75201
(214) 651-5000
david.harper@haynesboon.com
jason.bloom@haynesboon.com

7 Jason T. Lao, SBN 288161
8 Andrea Levenson, SBN 323926
HAYNES AND BOONE, LLP
9 600 Anton Boulevard, Suite 700
Costa Mesa, California 92626
(949) 202-3000
jason.lao@haynesboone.com
andrea.levenson@haynesboone.com

12 *Attorneys for Plaintiff X Corp.*

Colin R. Kass (*Pro Hac Vice*)
PROSKAUER ROSE LLP
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004
(202) 416-6890
ckass@proskauer.com

David A. Munkittrick (*Pro Hac Vice*)
PROSKAUER ROSE LLP
Eleven Times Square New
York, NY 10036
(212) 969-3000
dmunkittrick@proskauer.com

12 *Attorneys for Defendant*
13 *Bright Data, Ltd.*

14 *Additional Attorneys for Each Party Listed on Signature Page*

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17 X CORP.,

18 Plaintiff,

19 v.

20 BRIGHT DATA LTD.,

21 Defendant.

Case No. 3:23-cv-03698-WHA

22 **JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
BRIEFING SCHEDULE FOR BRIGHT
DATA'S MOTION TO DISMISS**

23 Pursuant to Civil L.R. 6-1 and 7-12, and subject to the Court's approval, Plaintiff X Corp. and
24 Defendant Bright Data Ltd. ("Bright Data") submit this stipulation regarding a briefing schedule
25 for Bright Data's Motion to Dismiss the Amended Complaint.

26 WHEREAS, on July 26, 2023, X Corp. filed a Complaint asserting claims of Breach of
27 Contract, Tortious Interference with Contract, and Unjust Enrichment;

1 WHEREAS, on October 25, 2023, Bright Data filed its Motion to Dismiss the Initial
2 Complaint seeking dismissal of X Corp.’s Tortious Interference Claim for lack of personal
3 jurisdiction and failure to state a claim, X Corp.’s Unjust Enrichment Claim for failure to state a
4 claim, and X Corp.’s Breach of Contract Claim to the extent it relied on X Corp. accounts opened
5 by Bright Data employees as the basis for an alleged contract between X and Bright Data. Dkt.
6 No. 22;

7 WHEREAS, on November 14, 2023, X Corp. filed its First Amended Complaint adding
8 three new claims: Trespass to Chattels; Unlawful, Unfair or Fraudulent Business Practices; and
9 Misappropriation. Dkt. No. 36;

10 WHEREAS, Bright Data's deadline to respond to the First Amended Complaint is
11 currently November 28, 2023 under Fed. R. Civ. P. 15(a)(3);

WHEREAS, Bright Data intends to renew its Motion to Dismiss X Corp.’s Tortious Interference Claim for lack of personal jurisdiction and for failure to state a claim, its Unjust Enrichment Claim for failure to state a claim, and any Breach of Contract claim based on a Bright Data employee account, and will also seek dismissal of X Corp.’s three new claims under Rule 12(b)(6);

17 THEREFORE, in light of the holidays and X Corp.’s new claims, the parties have met and
18 conferred and agreed, subject to the Court’s approval, upon the following briefing schedule for
19 Bright Data’s Motion to Dismiss the First Amended Complaint, which does not impact any Court-
20 ordered deadline:

- Bright Data shall file its Motion to Dismiss the First Amended Complaint by December 22, 2023.
- X Corp. shall file its Opposition to Bright Data's Motion to Dismiss the First Amended Complaint, if any, by January 22, 2024.
- Bright Data shall file a Reply in Support of its Motion to Dismiss the First Amended Complaint, if any, by February 12, 2024.

27 As set forth in the accompanying Declaration of David A. Munkittrick, there have been no
28 other orders granting stipulations for time modifications in the case.

1 IT IS HEREBY STIPULATED AND AGREED.

2 Dated: November 28, 2023

3 /s/ David Harper

4 David H. Harper*
5 Jason P. Bloom*
HAYNES AND BOONE, LLP
6 2801 N. Harwood Street, Suite, 2300
Dallas, Texas 75201
(214) 651.5000
david.harper@haynesboone.com
jason.bloom@haynesboone.com

7 Jason T. Lao
8 Andrea Levenson
HAYNES AND BOONE, LLP
9 600 Anton Boulevard, Suite 700
Costa Mesa, California 92626
(949) 202-3000
jason.lao@haynesboone.com
andrea.levenson@haynesboone.com

10 Attorneys for Plaintiff X Corp.

11 *Admitted *pro hac vice*

12 Respectfully submitted,

13 /s/ Colin Kass

14 Colin R. Kass*
PROSKAUER ROSE LLP
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004
(202) 416-6890
ckass@proskauer.com

15 David A. Munkittrick*
PROSKAUER ROSE LLP
Eleven Times Square
New York, New York 10036
(212) 969-3000
dmunkittrick@proskauer.com

16 Robert C. Goodman (Bar No. 111554)
Lauren Kramer Sujeeth (Bar No. 259821)
ROGERS JOSEPH O'DONNELL, PC
311 California Street, 10th Floor
San Francisco, CA 94104
(415) 956-2828
rgoodman@rjo.com
lsujeeth@rjo.com

17 Sehreen Ladak (Bar No. 307895)
PROSKAUER ROSE LLP
18 2029 Century Park East, Suite 2400
Los Angeles, CA 90067-3010
(310) 284-5652
sladak@proskauer.com

19 Attorneys for Defendant Bright Data Ltd.
20 *Admitted *pro hac vice*

CERTIFICATION

I, Colin R. Kass, am the ECF User whose identification and password are being used to file this Stipulation regarding the Briefing Schedule for Bright Data's Motion to Dismiss the Amended Complaint. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that each other signatory has concurred in this filing.

/s/ *Colin Kass*

1 **PURSUANT TO STIPULATION, IT IS ORDERED.**

2 Dated: _____

3 Honorable William H. Alsup
4 United States District Judge

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28